

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS
UNITED STATES OF AMERICA**FILED**

MAR 15 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY *[Signature]* DEPUTY CLERK

V.

CRIMINAL COMPLAINT

Case number:

*A-07-M-80(1)***Roger Martinez Mendez**

I, Howard Staha, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 15th, 2007, in Austin, Travis County, in the Western District of Texas, defendant did, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possess a firearm, which affected interstate commerce in violation of Title 18 United States Code, Section 922(g)(1).

I further state that I am a Detective with the Austin Police Department and that this complaint is based on the following facts:

See Attachment.

Continued on the attached sheet and made a part hereof: YES NO

H Staha 784

Signature of Complainant

Sworn to before me and subscribed in my presence,

15
March ~~16~~th, 2007

AT

Austin, Travis County, Texas

City and State

R Pitman

Signature of Judicial Officer

Robert Pitman, U.S. Magistrate Judge

Name and Title of Judicial Officer

Attachment

The following information is a result of my investigation and information provided to me by other law enforcement sources:

Roger Martinez Mendez has a Felony conviction for Possession of Marihuana, cause number 03-201052, State Jail Felony, 167th District Court, date: 05-25-2006. Mendez was sentenced to 8 months in State Jail. Mendez' Texas Department of Corrections number is 01368545.

On March 15th, 2007, Austin Police Department received three "911" calls of firearm related disturbances at 1881 Grove Blvd. At approximated 4:21 a.m., Officer Ritchie responded to a shots fired call at 1881 Grove Blvd., Austin, Travis County, in the Western District of Texas. Officer Ritchie spoke to the complainant, Ruby Baldanegro, who stated that her ex-boyfriend, Roger Mendez, fired a shotgun in the air. Mendez left the scene in a Light Gray Cadillac 4dr. Officers received information that Mendez lived at 6114 Felix #A. On the third 911 call at 4:21 a.m., Officer Mears and Driscoll responded to 6114 Felix and located the Light Gray Cadillac. They approached the Cadillac and observed Mendez in the car with shotgun ammunition in plain view on the floor. Mendez was taken into custody. Within eight to ten feet of the Cadillac officers observed a wooden shed. The door to the shed was damaged and, through an opening in the door, Officer Mears observed a short-barreled shotgun inside. A Savage Arms/Stevens shotgun 12 gauge was recovered. This information is documented in Austin Police Department incident report 2007-740326.

Detective Vineyard and Detective Staha interviewed Roger Mendez. Mendez was advised of his rights and he stated that understood them. Mendez confessed to the ownership of the shotgun and stated that he only fired the shotgun once.

On March 15th 2007, ATF Special Agent (SA) Mark Wilson, an Interstate Nexus Expert, examined the information relating to the above-described firearm to determine its affect on interstate and/or foreign commerce. SA Mark Wilson stated that the firearm was not manufactured in the State of Texas and that if it was possessed in Texas it would have had to travel in and affect interstate and/or foreign commerce.

Based on the above information, I believe probable cause exists to believe that **Roger Martinez Mendez** have violated Title 18 U.S.C., Section 922(g)(1) in Austin, Travis County, Western Judicial District of Texas.